



STATE OF MARYLAND

DHMH

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## Maryland Department of Health and Mental Hygiene

Office of Health Care Quality

Spring Grove Center • Bland Bryant Building

55 Wade Avenue • Catonsville, Maryland 21228-4663

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein M.D., Secretary

### TRANSMITTAL

**To:** Nursing Home Administrators

**FROM:** Nancy Grimm, Director *NBG*  
Office of Health Care Quality (OHCQ)

**DATE:** February 24, 2012

**RE:** Request for Medical Records in Electronic Format

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This transmittal is to provide guidance to facilities that are utilizing electronic medical records, and the release of those records to a resident of the nursing home, and/or a resident's legal representative.

Federal regulations require that a provider must provide the resident with access to the protected health information in the form or format requested by the individual, if it is readily producible in such form or format. Therefore, if your facility utilizes electronic medical records, and resident or appropriate resident representative requests a copy, either written or oral, you, the provider, shall make available a copy of medical records in an electronic format (for example, copy to DVD or flash drive) if the resident/representative requests that format. This request shall be fulfilled within two working days of the oral or written request.

Facilities should develop policies and procedures for handling requests for records in an electronic format, including establishing charges including the cost of supplies for and labor of copying. Charges for a DVD and/or a flash drive should not exceed the average cost of this item if purchased in the community.

OHCQ will investigate complaints and cite facilities who fail to comply with this requirement beginning March 19, 2012.

Please feel free to contact Margie Heald, Deputy Director for Federal Programs at 410-402-8101 or [mheald@dhmh.state.md.us](mailto:mheald@dhmh.state.md.us) with questions or concerns.